

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FRANK FLYTHE,

Petitioner,

v.

CIVIL ACTION NO. 1:03CV256

HARRELL WATTS, Administrator;
KATHLYN SMALLWOOD, Administrator;
K.M. WHITE, Regional Director, Federal
Bureau of Prisons; and
B.A. BLEDSOE, Warden, FCI-Gilmer,

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION

On November 17, 2003, pro se petitioner Frank Flythe filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09. On March 22, 2005, Judge Kaull issued a Report and Recommendation recommending that Flythe's case be dismissed with prejudice.

The Report and Recommendation also specifically warned that Flythe's failure to object to the recommendation would result in the waiver of his appellate rights on this issue. Nevertheless, Flythe has not filed any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation

¹ Flythe's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).


ORDER ADOPTING REPORT AND RECOMMENDATION

in its entirety and **ORDERS** Flythe's case **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the petitioner and counsel of record.

Dated: April 25, 2005.



IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE